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TO: UTAH DIVISION OF OIL GAS & MINING

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FROM: Steven C. Strong

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DATE: August 8, 2008

RE: C.W. Mining Company, Inc., Utah Bankruptcy Case no. 08-20105

Number of pages including cover sheet: 11

Client Account Nr: 33709-1

Client/Matter: Aquila/C.W. Mining
ID Number: 319

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Attorneys for Petitioning Creditor Aquila, Inc.

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

In re:

C. W. MINING COMPANY, a Utah
corporation,

Debtor.

Bankruptcy Case No. 08-20105

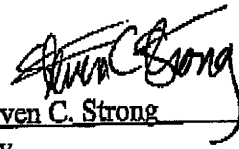
(Involuntary Chapter 11)

Hon. Judith A. Boulden

NOTICE OF ORDER

PLEASE TAKE NOTICE that on August 8, 2008 an Order (docket #139) and related Memorandum Decision (docket #138) were entered by the United States Bankruptcy Court for the District of Utah concerning a purported sale and transfer of mining assets, rights and related permits from C.W. Mining Company to Hiawatha Coal Company. A copy of the *Order* is attached as **Exhibit A**. Note that the last paragraph of the Order states: "This order applies to any portion of the Sale Agreement between the debtor [C.W. Mining Co.] and Hiawatha that has not yet been consummated including the approval of the sale by various governmental agencies and regulatory agencies or commissions."

DATED this 8th day of August, 2008.



/s/ Steven C. Strong

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Steven W. Call
Steven C. Strong
RAY QUINNEY & NEBEKER, P.C.
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Salt Lake City, UT 84145-0385

*Attorneys for Petitioning Creditor
Aquila, Inc.*

996230

CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Notice of Order and Exhibit* was electronically filed on August 8, 2008 and therefore served on the following parties through the Court's CM/ECF system:

- David E. Leta; dleta@swlaw.com, wsmart@swlaw.com, kgoley@swlaw.com
- Joel T. Marker; joel@mbt-law.com
- John T. Morgan tr; john.t.morgan@usdoj.gov, james.gee@usdoj.gov
- Oliver K. Myers; myersok@msn.com
- Paul James Toscano; ptoscano@expresslaw.com,
callred@expresslaw.com; bgonzales@expresslaw.com; ptpcccf@gmail.com
- United States Trustee; USTPRegion19.SK.ECF@usdoj.gov
- Russell S. Walker; rwalker@wklawpc.com, ckirk@wklawpc.com
-

I further certify that on August 8, 2008 copies of the foregoing *Notice of Order and*

Exhibit were served via first-class mail, postage prepaid upon the following parties:

Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84116

Utah Division of Oil, Gas & Mining
319 N. Carbonville RD. #C
Price, UT 84501-2351

U.S. Environmental Protection Agency
1595 Wynkoop St.
Denver, CO 80202-1129

State of Utah Division of Water Quality
288 North 1460 West
P.O. Box 144870
Salt Lake City, UT 84114-4870

Utah Division of Water Rights
1636 West North Temple
Salt Lake City, UT 84116

Utah Division of Water Rights
Southeastern Regional Office
319 Carbonville Road
P.O. Box 718
Price, UT 84501

Utah Labor Commission
160 East 300 South, 3rd Floor
Salt Lake City, UT 84111

Utah Labor Commission
Office of Coal Mine Safety
940 South Carbon Ave.
Price, UT 84501

U.S. Dept. of Labor, Mine Safety & Health
P.O. Box 25367, DFC
Denver, CO 80225-0367

Utah Division of Air Quality
150 North 1950 West
Salt Lake City, UT 84116

Emery County Zoning Commission
P.O. Box 417
Castle Dale, UT 84513

U.S. Department of the Interior, BLM
Moab Field Office
82 East Dogwood
Moab, UT 84532

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 21126
Philadelphia, PA 19114-0326

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I further certify that on August 8, 2008 copies of the foregoing *Notice of Order and*

Exhibit were served upon the parties listed below via the manner indicated:

Utah Division of Oil Gas and Mining
Via Facsimile to Salt Lake City office: 801-359-3940
Via Facsimile to Price office: 435-613-3739

U.S. Environmental Protection Agency
Denver, Colorado
Via e-mail: r8eisc@epa.gov

Utah Division of Water Quality
Via Facsimile to: 801-538-6016

Utah Division of Water Rights
Via Facsimile to Salt Lake City office: 801-538-7467
Via Facsimile to Price office: 435-613-3755

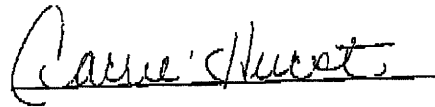
Utah Labor Commission
Via facsimile to Salt Lake City office: 801-530-6390
Via facsimile to Price office: 435-636-1466

Utah Division of Air Quality
Via e-mail to Regg Olsen, Branch Manager, Permitting Branch
at rdolsen@utah.gov

U.S. Department of Labor, Mine Safety & Health
Via facsimile to: 303-231-5468

U.S. Department of the Interior - BLM
Moab Field Office
Via facsimile to: 435-259-2106

Emery County Zoning Commission
Via facsimile to: 435-381-5644




996230v2

EXHIBIT A

The below described is SIGNED.

Dated: August 07, 2008



JUDITH A. BOULDEN
U.S. Bankruptcy Judge



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re:

C.W. MINING COMPANY, a Utah
corporation,

Putative Debtor.

Case No. 08-20105

Chapter 11

ORDER DENYING IN PART AND GRANTING IN PART MOTION OF AQUILA, INC.
FOR ORDER PRESERVING AND PROTECTING ASSETS OF BANKRUPTCY
ESTATE AND REQUESTING NOTICE AND HEARING IN CONNECTION WITH
DEBTOR'S PURPORTED SALE OF SUBSTANTIALLY ALL OPERATING ASSETS TO
A RELATED ENTITY

Before the Court is the Motion of Aquila, Inc. (Aquila) for Order Preserving and Protecting Assets of Bankruptcy Estate and Requesting Notice and Hearing in Connection With Debtor's Purported Sale of Substantially All Operating Assets to a Related Entity (Motion). In the Motion, Aquila, a prepetition judgment creditor of the putative Debtor, C.W. Mining Company (Debtor), seeks an order: (1) prohibiting the Debtor from using, transferring, encumbering, or disposing of any of its assets outside the ordinary course or business without first obtaining this Court's approval; (2) requiring the Debtor to give notice to all parties in interest of

its efforts to sell and transfer all of its assets to a related entity; (3) prohibiting the Debtor from taking any action to transfer, terminate, assign, impair or encumber the Debtor's long-term right to mine coal under an operating agreement between the Debtor and COP Coal Development Company (COP Coal); and (4) providing that if the Court approves a sale that the buyer Hiawatha pay into the Court's registry or an escrow account all consideration paid for the purchase of the Debtor's assets until further order of the Court. The Debtor and Standard Industries, Inc. (Standard Industries) oppose the Motion. An evidentiary hearing was held on August 1, 2008. At the hearing Steve Strong and Keith Kelly appeared on behalf of Aquila, one of the petitioning creditors. Paul Toscano and Russell Walker appeared on behalf of the Debtor. Mark Hansen appeared on behalf of creditor Standard Industries, and Tyler Foutz appeared on behalf of petitioning creditor Owell Precast LLC.

At the conclusion of the hearing, the Court took the Motion under advisement and has issued this day a **Memorandum Decision Denying In Part and Granting In Part Motion of Aquila, Inc. For Order Preserving and Protecting Assets of Bankruptcy Estate and Requesting Notice and Hearing In Connection With Debtor's Purported Sale of Substantially All Operating Assets to a Related Entity (Memorandum Decision)** which is incorporated herein by reference. Based on the reasoning set forth in the Memorandum Decision, it is hereby

ORDERED that the Motion is **GRANTED** in part and **DENIED** in part. It is further **ORDERED** that from this point forward any use, transfer, or disposition of any of the

Debtor's assets outside the ordinary course of the Debtor's business is subject to the provisions of 11 U.S.C. § 363 of the Bankruptcy Code. It is further

ORDERED that any attempt from this point forward to transfer, sell or to seek approval of the transfer or sale of the Debtor's assets to Hiawatha Coal Mining Company (Hiawatha) or any other party outside the ordinary course of the Debtor's business must be set for hearing and properly noticed out to all parties pursuant to the Bankruptcy Code and Bankruptcy Rules. This order applies to any portion of the Sale Agreement between the Debtor and Hiawatha that has not yet been consummated including the approval of the sale by various governmental agencies and regulatory agencies or commissions.

-----END OF DOCUMENT-----

ORDER SIGNED

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SERVICE LIST

Service of the foregoing **ORDER DENYING IN PART AND GRANTING IN PART**
MOTION OF AQUILA, INC. FOR ORDER PRESERVING AND PROTECTING
ASSETS OF BANKRUPTCY ESTATE AND REQUESTING NOTICE AND HEARING
IN CONNECTION WITH DEBTOR'S PURPORTED SALE OF SUBSTANTIALLY ALL
OPERATING ASSETS TO A RELATED ENTITY will be effected through the Bankruptcy

Noticing Center to each party listed below and to the MATRIX:

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